

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MIKE'S CIGARS DISTRIBUTORS, INC.,  
Plaintiff,

Case No. 06-10990  
Hon. Bernard A. Friedman

vs.

MICHAEL BYELICK, an individual and  
MD CIGARS, LLC., an Arizona limited liability  
company,  
\_\_\_\_\_  
Defendant. /

**SECOND DECLARATION OF MICHAEL BYELICK**

I, Michael Byelick, declare under the penalty of perjury that the following is true and correct:

1. I am an Arizona resident. I make the following statements upon first-hand knowledge, and am competent to testify to them if called to do so.

2. I created the eight "doorway pages" identified in Plaintiff's Declaration of Dirk Avery soon after I signed the Settlement Agreement and Release with Plaintiff. In making them, I followed the advice of search engine sites I was using at the time. Indeed, search engines encouraged such sites at the time. I posted them on the free web hosting service "Geocities."

3. According to my understanding, the "doorway pages" were configured legally and in conformance with the Settlement Agreement. They were supposed to come up when people typed "Mike's Discount Cigars," "MD Cigars" or other cigar -related search inquiries into a search engine. My intention and sole purpose in creating them was to help customers of my old website, <mikesdiscountcigars.com>, find my new website at <mdcigars.com>.

4. I forgot about these pages soon after I created them. I never altered or updated them. I assumed that Geocities would delete pages that were not altered after a certain period of time. Because it had been so long since I created them, at some point I had assumed that the pages had been deleted. After that, they simply never crossed my mind again.

5. I have reviewed all the records available to me, and I cannot find any traffic from these pages to <mdcigars.com>.

6. I removed all of the pages and deleted the accounts as soon as I was made aware of them on May 30, 2006. I have no desire to maintain these pages or anything like them.

7. I have redoubled my efforts to locate any similar pages that may exist. I cannot recall creating any, nor can I find any. If I do, or if Plaintiff does and gives me notice, I will immediately delete them.

8. Since the Court instructed me not to, I have not added any new uses of "Mike" or "Mike's" to our website, have not otherwise done anything to use the terms "Mike" or "Mike's" in a trademark sense to promote my business, and I will not do so, at least until this lawsuit is resolved.

Further declarant sayeth not.

Date: JUN 19 2006



Michael Byelick